

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

NO. 4:08CR00230-01 JLH

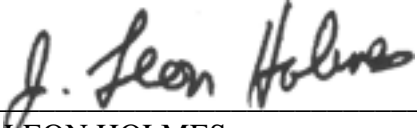
KELDRON L. CARLTON

DEFENDANT

ORDER

Keldron Carlton has filed a *pro se* motion to set aside the verdict. He argues, in part, that his plea agreement stated that the maximum sentence that could be imposed was 10 years. He is correct that that is what the plea agreement provides. However, the Court informed him at his change of plea hearing that if he were to plead guilty, and if it were determined that he had three or more convictions for violent felonies, then he would be an armed career criminal with a statutory range of imprisonment of not less than 15 years and not more than life. The Court also informed Carlton that the plea agreement was not binding on the Court and specifically stated a second time that the maximum penalty could either be 10 years or life, depending on the determination of how many prior convictions for violent felonies he would have. The presentence report determined that Carlton had three prior convictions for violent felonies. Carlton's public defender objected to the finding that one of those prior convictions qualified as a violent felony, but the Court overruled that argument at the sentencing. The Court determined that Carlton was an armed career criminal pursuant to 18 U.S.C. § 924(e), which provides for a mandatory minimum sentence of 15 years. The Court imposed the mandatory minimum sentence pursuant to that statute. Therefore, Carlton's *pro se* motion to set aside the verdict is without merit and is denied. Document #73.

IT IS SO ORDERED this 4th day of December, 2009.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE